

CITIZEN'S TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation

Minutes - Draft

June 19, 2007

A Citizen's Transportation Oversight Committee (CTOC) meeting was held at the Arizona Department of Transportation, 206 South 17th Avenue, Auditorium, Phoenix, Arizona 85007 on June 19, 2007, 4:00 p.m. with Chairman Roc Arnett presiding.

Members Present:

Roc Arnett, Chairman
Jack Lunsford, Member at Large
Terry Rainey, Maricopa County District 1
Jeffrey Schwartz, Maricopa County District 2
Nelson Ladd, Maricopa County District 3
Leyton Woolf, Maricopa County District 4

Members Absent:

Peggy Jones, Maricopa County District 5

Others Present:

Michael Hernandez, Citizen	Bill Jameson, AG's Office
Jondrigus Fisher, WSA	Kwi Kang, ADOT
Diane D'Angelo, CCP-ADOT	Elizabeth Neville, ADOT
Michael Celaya, City of Surprise	Joe Ryan, Citizen
Dianne Barker, Citizen	Bob McKnight, Citizen
William "Blue" Crowley, Citizen	Bill Hayden, ADOT
Sandra Quijada, ADOT	Edward Johnson, Citizen
George Davis, former Board Member	Fred Garcia, ADOT
Adrienne Riordon, AG's Office	Ron Gawlitta, former Board Member

1. Call to Order:

Jack Lunsford, Member at Large Called to Order the Citizen's Transportation Oversight Committee meeting at 4:00 p.m. He stated Chairman Arnett will be here later. He welcomed the public, public officials, members of CTOC and staff to the meeting. New CTOC Board Members Jeffrey Schwartz, District 2 and Leyton Woolf, District 4 were introduced. They each provided a brief self introduction. Congratulations went to Terry Rainey, District 1 in his re-appointment for another term and the most recent appointment of Peggy Jones, District 5 who was unable to attend tonight's meeting due to a prior commitment.

2. Approval of the Minutes for March 20, 2007:

Jack Lunsford called for a motion to approve the minutes of the March 20, 2007, meeting.

Board Action: Terry Rainey moved to approve the March 20, 2007, minutes and the motion was seconded by Nelson Ladd and carried unanimously.

3. Regional Freeway Status Report:

A hard copy of the report was given to the Board.

4. Overview of Arizona Open Meeting Law:

Bill Jameson with the Attorney General's Office gave a PowerPoint presentation on Open Meeting Law. A hard copy of the presentation was given to each Board member. He stated the statute for the Open Meeting Law is Arizona Revised Statute § 38-431.

- He commented that all meetings of a public body shall be open to the public and anybody who wants to attend should be allowed.
- Every committee has to give initial public notice of the meetings which tells the public where the agenda will be filed. It is to be posted with the Secretary of State Office for state public bodies but is not limited to this location. Depending on the committee the requirements may vary.
- Practicalities are to double check that you posted one, that you can find it and that it is current.
- Initial (Public) Notice - a twenty-four hour notice is required.
- It's a good idea to post the agenda with the notice. The agenda needs to list items to be discussed, considered or decided at the meeting. The public body may discuss, consider or make decisions only on the agenda and other matters related to them. Typical problems with agendas include legalese, acronyms, technicalese such as language a regular person would not understand.
- The executive session is limited in its scope and use. It's a portion of a meeting that would be held outside of the general public and would be put on the agenda but need not contain information that would defeat the purpose of the executive session or compromise the attorney-client privilege.
- Posting pitfalls - include posting inside locked buildings at 5:00 p.m., posting behind glass, failure to post the front and the back and posting where someone can "borrow" the notice.
- Possible problems with meeting locations are location and size. It is acceptable to move your meeting to another place close by if you outgrow the room as long as people are able to find it.
- The public has the right to attend the meeting, listen to the meeting and tape record or videotape. The public does not have the right to speak or disrupt the meeting.
- You want to make a good record on warnings given. Video or audio taping is a good idea in this situation.
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- Calls to the Public are allowed but not required. If you have a Call to the Public, the only responses allowed are responding to criticism, asking staff to review a matter and asking that a matter be placed on a future agenda. You can limit the time allowed to individual speakers depending on what the Committee finds reasonable and the circumstances such as size of audience. You may require a speaker on the same side of an issue with no new comments to select a spokesperson. You may set ground rules in regard to civility, language and treating everyone the same.
- You can put a brief summary of current events on the agenda. A current event needs to be put as a summary on the agenda and if a presentation, you can't move on to discuss, deliberate or take legal action. Unless you need to have an executive session it might be preferable to have the discussion with the public so they know what is going on.
- Executive Sessions - are private but not secret. "Attendees" are found in the definition section in A.R.S. § 38-431 (2) and include members of the Board, officer, employees and those individuals whose presence is reasonably necessary in order for the public body to carry out its Executive Session responsibilities; the Auditor General and persons subject to personnel discussion.
- Executive Session pitfalls include failure to keep Executive Session discussion confidential and failure to advise persons about the confidentiality requirement. Put a reminder on the agenda for the chair to recite every meeting. You cannot vote in Executive Session and note on the agenda that following the Executive Session, you may return to the public meeting in order to further discuss and take action on what was discussed within the Executive Session. Make sure sufficient information is in the minutes and they are to remain confidential and must be kept from all but a limited number of people. You can conduct a personnel evaluation in Executive Session. It is not an opportunity to have a Board policy discussion that should take place in an open meeting. You can interview candidates for a position in Executive Session and you must discuss and vote for appointment in a public session.
- Legal advice is the most common use for Executive Session. The presence of an attorney at an Executive Session cannot be used to circumvent the open meeting law requirements. Legal advice encompasses advice given to the public body regarding the legal ramifications of the facts and information given to the attorney and the legality of the proposed legislation and includes the propriety, phrasing, drafting and validity of proposed legislation, including its meanings, legal scope, possible legal challenges and counsels' views.
- What is not allowed include any discussion regarding the merits of the case after legal advice is given. Also not allowed - include debate over what action to take, discussion of pros and cons of actions, talk of policy implications of competing actions. These must take place in public sessions. The public body has the burden of proving actions fall within an Executive Session exception to the open meeting law.
- Quorum - defined is a majority of the members appointed to a Board. Empty seats do count as part of the number. "Splintering" the quorum becomes important with e-mail, parking lots, telephones, polling, not-quite-polling and committing your vote. This must be done only in a meeting. The same limitations apply to staff. Sanctions may be imposed upon any person who knowingly violates the Open Meeting Law.
- Social Events - if more than a quorum may be present, you may want to post a courtesy agenda, include a statement that no business will be discussed or action taken and Board members should avoid talking with each other or have a third party present.

- Meeting Etiquette - includes be careful whispering to other board members, passing notes, letting members of the public talk to each member before the meeting starts with their hands over the microphone.
- Minutes or recording are required for every meeting. It's a good record of what happens should any question come up in the future. You must include the date, time and place of the meeting, members present and absent, a general description of matters considered, accurate description of legal action, names of members who propose action, names of persons making statements or presenting material and a reference to the legal action.
- A sign-in sheet is not mandatory and is appropriate to make it available. Three working days after the meeting the recording or the minutes need to be available for inspection by the public. The executive session minutes or recording shall be kept confidential and shall include the same information as for public sessions. Certain sanctions may be imposed for violations to the open meeting law including penalties, attorneys' fees and possible removal.

Questions Asked:

Jack Lunsford asked if you can state possible action on the agenda?

Bill Jameson: Replied, yes.

Terry Rainey asked if we can set a definite time limit for Call to the Public?

Bill Jameson: Replied, yes, it's up to the Board to determine the time limit as long as you articulate the factors and reasons behind the limitation.

Jack Lunsford said that he has seen an uncommon practice of dialog between CTOC and the public body during the agenda items. Is this addressed in the Open Meeting Laws?

Bill Jameson: In reply, stated he liken that to the "Call to the Public", but believes the Board can open each agenda item to the public if they choose. He also believes that it would be preferable to note that in the agenda otherwise comments would be taken during the "Call to the Public" towards the end of the meeting. A danger in including it as something permitted for each agenda item is that it could stray into areas or topics that are not noticed and that could be a violation of the Open Meeting Law. Public comments are allowable but not required.

Leyton Woolf asked at what point does contact between individual members splinter a quorum?

Bill Jameson: In reply, at any point that you discuss something that should only be discussed at a open meeting itself. Responses to e-mails are of concern due to forwarding.

Jack Lunsford asked that information regarding e-mail protocols be provided to members?

Bill Jameson: In reply, yes.

Mr. Crowley wanting to ask a question, Chairman Arnett stated that the Chair is going to take the prerogative of waiting until the "Call to the Public" time of the meeting for comments.

(Mr. Crowley stated as a point of information and order, what are the)

Chairman Arnett stated you are Out of Order. You will be called upon during the "Call to the Public" if you filled out a form.

5. Update on State Route 153:

Bill Hayden, ADOT provided a PowerPoint presentation update on the proposed major amendment to delete SR153 from the MAG Regional Transportation Plan. The proposal is to transfer ownership of SR153 to the City of Phoenix and take funds that had been programmed for the construction of the completion of that project and use those for additional construction on SR143. Handouts were provided that followed the presentation including the graphic where SR143, also referred to as the Hohokam Expressway and SR153 were described. In the current five-year construction program, there is approximately \$23.5 million funding available for the completion of this project. Approximately two years ago, Consultant Jim Harris was selected to do an extensive engineering and environmental study for the widening of I-10 and south to the Loop 202. The right-of-way that would be necessary for construction from University to Superior Street had already been acquired. As a result of the preliminary Design Concept report and the Environmental document several elements became obvious that there would be complications. The proposed I-10 widening project includes the addition of a collector distributor system, a roadway north of I-10 and south of I-10 to segue traffic for local purposes. One of the elements of the design concept was to include the additional freeways north and south of I-10. It concluded that there would be conflicts and complications causing even more congestion. When the City of Phoenix was informed, they asked if they could perform their own traffic study, incorporating Sky Harbor Airport and rail way. At the end of the two year study, the City sent a formal letter of request for proposal. There is a process for making major amendments to the Regional Transportation Plan. Reasons to improve SR143 instead include: SR153 would not directly connect to I-10 at 40th Street; higher traffic volumes on SR143; airport security measures; potential use of SR153 for multi-modal transportation facilities and SR143/I-10 connection is better. Major plan amendment next steps include presentations to various committees; a 60-day consultation period which began in May and ends in July; all written input will be reviewed and evaluated; MAG action to amend the Transportation Improvement and Regional Transportation Plan are subject to Air Quality conformity analysis; final action to amend the TIP and RTP; final approval by TPC and MAG Regional Council; final approval by State Transportation Board and approval of RW Resolution. The City of Phoenix has already agreed in principle. They will accept SR153 into their street system with no improvements and to waive the policy of a four-year advising period. Yet to be completed include the consultation process, final approvals and air quality analysis.

Questions Asked:

Jack Lunsford asked about the right-of-way portion that was not completed from University south?
Bill Hayden: In reply, ADOT purchased the right-of-way south of University. Part of the package to develop the funding for SR143 improvements are approximately \$35 million. The parcels should generate \$10 or \$11 million. Upon the completion of that sale of those parcels, the money will be transferred to make up the \$35 million.

Jack Lunsford asked what was the source of the \$24 million?

Bill Hayden: In replay, those are Regional Area Road Funds in the current Five-Year Program.

Jack Lunsford commented, you made mention of the DCR on the widening of I-10, can you give us an idea of when we might have that come forward to CTOC?

Bill Hayden: In reply: that widening project has proven to be extremely challenging. It could be a year or longer. Construction may begin closer to 2011 or 2012. A video will be presented at the next CTOC meeting explaining a complex freeway configuration.

6. Loop 303 Noise Issue:

Bill Hayden, ADOT addressed an issue raised by citizens of Sun City West recently. He presented his report regarding noise levels for homeowners along the Loop 303 and ADOT's future plans in this matter. This issue began in January. A graphic was shared outlining the area of concern. Maricopa County Department of Transportation was responsible for the jurisdiction of the Loop 303 completion about two years ago. Residents began to express that noise levels were not acceptable and asked for some type of mitigation such as a wall. Technicians initiated noise studies in the yards and monitored noise levels.

Fred Garcia, ADOT Environmental, stated that he met with residents and worked with the consultant to obtain measurements. An aerial visual was shared indicating sites closest to the noise source. Readings were done in April and levels were shared and ranged from 52 to 55 decibels. Federal regulations mandate that mitigation be considered when the noise levels approach 67 decibels. In 1995, the Federal Highway Administration mandated that states develop their own policy. This policy had to be as good as the national levels or better. Arizona's noise policy is the top in the country at 64 decibels. Traffic noise is an emotional issue affecting different people at different levels. Based on the study, there is not a noise impact. Noise levels could increase by three decibels and would still not meet the criteria to mitigate.

Questions Asked:

Nelson Ladd asked about the background noise.

Fred Garcia: In reply, stated they asked residents when the noisiest times were and it was in the morning when the levels were monitored. The equipment incorporates the background noise as well.

Leyton Woolf asked about the future as the volumes increase and the need for a continuation.

Fred Garcia: In reply, yes, there will be continued analysis. Noise levels depend on speeds. Trucks and motorcycles contribute to noise peaks. When levels are at their highest for ten minutes, that is what is mitigated. The peaks are averaged into the ten minute measure.

Leyton Woolf asked if we can look into noise levels and forecast.

Mr. Garcia: In reply, absolutely, the model is built into noise curves for future traffic.

Jeff Schwartz asked if there is a way to model this to get in front of sound problems before they exist.

Mr. Garcia: In reply, absolutely that is what we currently do. The model can provide current noise levels and project up to twenty years in the future. Often, five year increments are forecast.

Jeff Schwartz asked we can do that?

Mr. Garcia: In reply, yes, the state inherited Loop 303 from the Maricopa County and there was some mitigation done. The walls are doing their job as well as asphalt material.

Rubberized pavement realizes a five decibel reduction. A full noise analysis is part of the plan. At that point, there will be the future projections. This will happen before the environmental document is completed.

Jack Lunsford stated that we will have another phase.

Nelson Ladd asked if this part of the 303 has been rubberized?

Mr. Garcia: In reply, yes.

Upon seeing a question in the audience, Jack Lunsford stated that questions from the Committee members will be addressed first.

Jack Lunsford: Are there any further questions from the Board?

Board: In reply, no.

Jack Lunsford: Mr. Ryan.

Joe Ryan, Citizen said that this point was raised two years ago with Maricopa County DOT. At that time they were designing a very noisy interchange and it is to this date. At that time, we asked them why they had a stop light 25 feet under Grand Avenue and red green lights where the road is going into the express lanes and US60. They didn't have any information; they said the computer says when you input the population west of the White Tank Mountains, which is zero and the population west of 303 and the east side of White Tank Mountains which is almost zero and you look at Mayor Shafer's plans for her town, the numbers I have for Surprise, they are already over 100,000. What we raised two years ago was an inappropriate interchange. All the cars are starting up right next to Sun City West from a dead stop. Trucks making the turn are going to turn on their jet brakes. There will be traffic coming from everywhere on 303, coming from 17 and 10 and they refuse to plug these numbers in. They say there's no problem, we will wait until there is a problem. We know there will be a problem.

Jack Lunsford stated that we need to work with the numbers we have today. And yes, we will look at it again whether its citizen initiated or part of the process of building the freeway.

Dianne Barker, Citizen said that in 1994, this group was set up to facilitate citizen involvement. I understand that you want to take care of the members but please remember we took time out and we're concerned. The citizen's, almost one dozen in attendance could not see the billboard from Mr. Hayden and it would be good because we're interested in this. I don't see in this presentation and I'm interested in, have they looked at multi-modal and in agenda five around the I-10 and the 153 through the airport and the noise level on Grand Avenue. Multi-modal has come up before and we could have a quiet train elevated through this corridor to help some of the problems. We need to start going with the way the energy depletion is going, we need to get ahead of the curve in Arizona.

Jack Lunsford said that is being looked at and funding is an issue.

Blue Crowley, Citizen said that it's 56, not 55 as the highest one and it's on Robson Drive and it's the one that is closest. When they were stating that doubling the traffic volumes increases it by 3 percent, if it triples the amount of volumes because it hasn't reached its capacity or gridlock yet but it's getting closer, like the Broadway curve, it causes those parts of the equation. Until CANAMAX is completed, this is also the outer loop of that and when you say you don't check things at 2:00 in the morning, when you have 1,000 trucks going through there at 2:00 in the morning as a freight area that is something that you need to address. Since you said trucks were the largest contributor, 7:00 in the morning is not when they are going to be at that part of the equation. When I look at the different variables and look at the truck traffic and increase it by 50 percent, it's going to be a lot more of a decibel increase than what you stated. Let's say it's a 7 percent increase that would be 63 decibels. As they are saying let's get a head of the curve and look at the variables and look at the side of fixing it and not trying to make excuses of why it didn't get done.

Nelson Ladd talked about being careful when discussing linear curves.

Jack Lunsford said that he doesn't believe it's any more apparent than the fact that the Department talked with the residents and asked them when they believe the noisiest time was and they measured during those times and for anybody to speculate otherwise, trumps what the citizens indicated.

7. Call to the Public:

Chairman Arnett made a Call to the Public. George Davis will now speak.

George Davis, former CTOC member thanked the Chairman and CTOC for the privilege of serving on the Committee. He thanked Supervisor Max Wilson, Bill Hayden and Elizabeth Neville. Mr. Davis stated that roads, road construction and things related to roads are important. CTOC has an important role to fill. He wished the Committee and its member's success in the future.

Michael Hernandez, Citizen prefaced his comments to public safety regarding chemical spraying without notice to the traveling public. Public safety must never take a back seat to infrastructure. It's about more than asphalt, concrete and steel. It's about people whose safety must never be jeopardized through compromise to compensate for infrastructure timetable completion. I would like to discuss the ADOT natural resources division not effectively communicating their risk when they conduct a chemical and vegetation control operations in the right-of-ways, along the public roadways, among the traveling motorists and their passengers. They are required through the performance control systems manual that states place safety devices and signs. Where this is mandated is the EPA, the hazardous material has standards posting signs to display information. It's mandated to the Structural Pest Control Commission of Arizona. Toxic chemical release is nothing to take lightly. We have the FIFRA and also Emergency Planning the Community Right to Know Act. This needs to be resolved and we must hold the Natural Resources Division responsible to do what they are required to do in putting the people first. Public safety is people safety and the true meaning of the word.

Chairman Arnett stated that we will refer this to staff.

Bob McKnight, Citizen began speaking about pedestrian overpass on Camelback. The northeast ramp does not meet ADA requirements. Looking at the blue prints does not tell you what was constructed. When you start pouring concrete it's hard to hold it to specs and it slipped a little bit. Regarding the 153, 143, I was interested in the figures and couldn't believe that 25,000 people a day use the 153. I use it myself because it's a nice shortcut around the end of the airport and I stay away from the mess of the Broadway curve. If you give 153 to the City of Phoenix without stringent specs on what they do with it you will be pushing a lot of that traffic on 143 and into the Broadway curve which will make it worse. I would like to see what the criteria was for letting the City have 153 after we spent all the money there. There is 25,000 people for a freeway that never got completed and really doesn't have a decent entrance or decent exit particularly on the north end. I think 25,000 people indicate there is some need for that corridor through there. On the presentation, we sit here as the public and listen for one or two hours, much of which we never heard before. And so in the very few minutes between the presenter when we get up to talk we're suppose to take their two hour, critique it and come up and give you a nice presentation. We're good but I think that's asking too much of us to critique a two hour or one hour presentation in three minutes. I think we need to have a better way of figuring this out. We don't need the rambling but we do need to cover the subject.

Chairman Arnett asked about the direction of the pedestrian overpass.

Mr. McKnight replied, I believe it's Camelback and 25th Street. It goes between the Esplanade and the Biltmore Fashion Square. It's a \$6 million project that goes under Camelback. It's also federal government. They checked it and they said there were some problems under there. ADOT has nothing to do with it and the City of Phoenix blew it off. Chairman Arnett stated that it's not our jurisdiction. What is our jurisdiction is your second comment. I will direct staff, there is a letter from ADOT describing the entire process of transferring that to the City of Phoenix and you ought to receive that. Mr. McKnight asked who to go to; the underpass has transportation money in it. There is EPA money in it. Chairman Arnett said we will discuss it but it's not our jurisdiction.

Joe Ryan, Citizen stated that for the past fifteen years, most of the times he came to this Board and other boards, he had written documents on what I pointed out as problems. The sad thing is in most cases, none of the problems I pointed out made it to the agenda and we see the same problems come up time and time again, for example, the under building of interchanges. The high stack was under built, gets back up then the 101/17 interchange was under built, has problems and after that the SR 51/101 interchange was built with problems. You say we don't have the money but who gets involved in creating the taxes. Mr. Chairman, I believe you are on one of the boards. You say the public doesn't want to pay more. The public is literally paying far more than a half cent sales tax in terms of the air pollution, the wasted time, the added fuel consumed. I think this is happening because of a lack of strategies and policies. One strategy would be to make transportation more competitive with other states and nations. Make things faster, get rid of bottlenecks, where the South Mountain Freeway comes in to I-10 at 55th Avenue is going to create more traffic jams. This has been raised before; it's never been discussed. I understand that special interest had it that way. Eliminate the law that overpays for rights-of-way and the law that delays the acquisition of rights-of-way because the infrastructure must be built in two years. Special interest had the legislature pass these two laws. Nowhere in the country have I seen this.

In fact, the one violates the federal law which says you should pay for land what it's worth today. The special interests have it that Arizona, DOT or whoever is going to condemn some land has to negotiate what the land will be worth after the infrastructure is built. The landlord should pay the government to build the infrastructure, the other way around, because it improves the value of their land. The other thing is they have a law passed that you have to build on a right-of-way within two years you get it. That makes no sense whatsoever because that precludes west of the White Tank Mountains having several right-of-ways. You don't want to build it right away because Buckeye is going to have 600,000 people out there. They told the builders they could have it. Another good reason, you want to have hospitals and colleges and other things like that on the right-of-ways and you can't do it unless you know where the right-of-ways are going to be. You go to Buckeye and say, ok 600,000 people, Massachusetts for 6 million has 60 four-year colleges. For your 600,000 people, how many colleges, how many hospitals. In transportation planning you can take these into consideration. The third thing is to serve the state. The state is all the small cities and towns needing access to the airport for example, to develop our state. There is no plan for rapid transit from Miami or Globe or Casa Grande to the airport. You have to get near the airport and take a people mover where the other cities such as Hong Kong, Singapore, Newark, Chicago and Cleveland are having rapid transit right into the airports. Now let's go to safety policy.

Chairman Arnett: You have 30 seconds Mr. Ryan.

Mr. Ryan: replied, Sir, I consider these critical and I feel that you should listen to my examples of the few things I have here, please, they are very important.

Chairman Arnett: Mr. Ryan, you have 30 seconds and we would be happy to have you send us the information.

Mr. Ryan: Reply, you have the information, let me give you examples.

On the document I gave you, B.1. Most critical safety, they make a big deal of PM10. PM2.5 is the most critical. You are permitting the trolley cars to wipe out ITS. That is going to cost tremendous amounts of pollution and costs. You permit them to add to the entrances to interchanges. If the interchanges are already full why widen the road leading to the interchange. It makes no sense sir.

Chairman Arnett: Mr. Ryan your time has expired. Thank you. The document you submitted will be entered into the minutes.

Mr. Ryan: In reply, I hope that you get these things on the agenda so we talk to them in the future; they are very important.

Jack Lunsford asked if he could comment. Mr. Jameson recommended not. You can respond to criticism, you can ask for staff to research it or to put it on a future agenda only.

Jack Lunsford said that he thinks there were issues raised that may be opinion and I think additional information can be shared with others that I think is relevant.

Chairman Arnett: Said if it rises to that occasion we will consider putting it on the agenda for the next meeting.

Mr. Ryan's document submitted is as follows:

Critical oversights in major areas should be placed on near future CTOC and MAG agendas:

- A. Strategies (Where are the planners' strategies?)
 - Make transportation more competitive with other states and nations. Both more convenient and less costly (Note A).
 - Eliminate the law that overpays for rights of way and the law that delays the acquisition of rights of way because the infrastructure must be built in 2 years.
 - Serve AZ – Provide rapid transit between towns and both the international airport and downtown Phoenix locations where certain industries congregate.
- B. Safety policies first (Where are they?):
 - Handle the most critical safety problems first (traffic-created PM2.5 pollutants much deadlier than PM10).
 - Do not negate systems that reduce the production of PM2.5 and carbon dioxide (for example, do not mitigate the I.T.S.).
 - Do not under build facilities.
 - Do not add to already loaded facilities
 - Divert traffic from current and future overloaded facilities.
- C. Other policies (Where are they?):
 - Give public complete story (i.e., Prop 400).
 - Audit data of consultants (i.e., LRT costs).
 - Be fair (e.g., PM2.5 levels at Maryvale).
- D. Be creative to be a winner in the future! Develop and promulgate request for proposals as is done in most industries. Arizona's safety and economic objectives could be attained with John Shaw's concepts for elevated, light-weight, high-speed and wide-bodied vehicles. The vehicle is designed for future conversion to fuel cell power. To cut costs, design for use in all – passenger, all-cargo and combination configurations.

Note A. Arizona's competitiveness depends on:

- Standardization of equipment, systems and procedures.
- Relative costs between the air and sea gateways (Sky Harbor and Long Beach) for importing and exporting.
- Relative costs for commuting and business trips of employees and others who visit Arizona Facilities.
- Relative convenience (e.g., getting to work and getting from and to the major airport) from the perspectives of both frequency and speed.

It is understandable, from one perspective, that the City of Phoenix should not want rapid transit services between smaller metropolitan areas and Sky Harbor (where the parking lots are cash cows), but it is completely illogical and counter-productive to prevent such services between smaller metropolitan areas and the downtown-Phoenix locations.

Dianne Barker, Citizen stated that she followed up with Bill Hayden. It has to do with the Certification. I do not believe in what I have read that either Proposition 300 or 400 is legally certified. I know you have a life cycle program that is different from the law. The CTOC law of which you are to make an audit of all expenditures. You have the full support of the financial entity of ADOT that counsels you and it flatly has not been done. You made a report and I call it a bogus report because what you did is it's tantamount. Then you made a report on page 8 and you changed the law and you said that under this particular title you are to make a report and you said you did agreed upon procedures. I can't understand why anybody would do this.

If you aren't going to do your duty and you change the law, why do you exist? I am happy to see you have a quorum because I am hopeful that you will take what I am talking about and you will respond and you will put it on the agenda. I do have the information in regard to my comments with Mr. Hayden in regard to the Certification. He gave me a letter I received on June 12th. It is not on point. It is on Proposition 300 and I had talked about Proposition 400 and that was the problem that it did not download. I think that he needs to look at the e-mail I sent on May 22nd. I talked about Proposition 400 and what I am getting back is not what I asked for so it makes me feel that I'm being sent off, I'm being spinned. I don't want that. I think that when they talk to me and by putting it in writing you recognize that you send it back and say this is what you mean and you respond to what I ask for. That won't waste time. So I'm putting this with my item 6 to ask for a response and the other issue is I have gone ahead because, look, I filed a claim with the State of Arizona, it went to Terry Goddard. I sent a letter to Terry Goddard. I had to file an amount. I have done my research. I have filed for research money. I have filed for going to the doctor. My skin condition has to do with aggravation and this is from aggravation. I have 56 e-mails of specifically talking about the ADOT audit and your duty under the law and nobody cares except to change and make another report. Therefore, I will go through the procedure, I know what the Department of Administration is going to do; they are going to say exhaust the administrative remedy. That's what I'm doing. But I can let you know and I do understand that now that Terry Goddard has my letter. I hate to say you're crooks but that's the way I feel. Now, I hope that before your next meeting, I'll have a response that you would consider putting this on the agenda to get these problems corrected and that my skin condition and I'll be selfish in this, it clears up. Ok, good luck.

Chairman Arnett: Ms. Barker, we will refer this to staff.

Blue Crowley, Citizen stated, Mr. Jameson, the law that covers us commenting on agenda items is T21 and he may not like it, I advise you to say that the public shouldn't be commenting but the law says that on action we have the right. You didn't cover nullification. Mr. Arnett you've violated the Open Meeting Law and I look at the document and it says 5.12.6 removal from office. If the court determines that the public officer violates the Open Meeting Law with intent to deprive the public of information, which you did by having me removed, or of the opportunity to be heard. What did you do moments ago? And Mr. Rainey you are a citizens committee. If you have 200 people here trying to communicate to you stopping information coming to you is that, arrogant, pretentious and elitist. You are a citizens committee. I have been appointed to this committee three times. But because of procedures, I don't sit at the dais. I have requested now four times, this being the fifth. You already have a Phoenix member. Mr. Ladd, why was Mr. Gawlitta appointed. For 17 years now the only district Phoenix has been represented by was District 3. You sanitized the minutes from January. You have not done what you are supposed to do. I wish that when you are covering this stuff you would have covered nullification. I will cover that right here. It says all legal action transacted by any public body during a meeting held in violation of any provision of the Open Meeting Law is null and void. I was taken out. That made everything that happened after that null and void. It says with the due diligence, the Attorney General's Office should have known about that within 30 days. It did take 90, I can't fault the Committee on that. Since January, you have three times violated the Open Meeting Law in its totality especially with the arrogance of the Chair not understanding that you and I are of two cultures and one, you are not going to tell me how to dress or act. I have respect for the body, not for those individuals

who aren't making it right. As I said Mr. Jameson when you're giving them advice why don't you look up T21 it's under section 1490.5.B and you will see that the citizens have the right during any action to comment to the Board and yes, we have to say who we are but that thing of suggesting we sign in that's another point, you can't do anything to stop us from attending. You're supposed to be doing just the opposite and what have you people been doing as a citizens committee, look in the mirror. Thank you for your time and I need to speak to you Mr. Woolf afterwards because I'm trying to get some bus stops in your district.

8. Next Scheduled Meeting:

Tuesday, September 25, 2007 at 4:00 p.m.
Arizona Department of Transportation
206 South 17th Avenue
Transportation Board Room 145-147
Phoenix, Arizona 85007

9. CTOC Members Reports:

There were no reports.

10. Closing Comments and Adjournment:

Chairman Arnett directed the staff to put the "Call to the Public" on next meeting agenda and we will discuss our policy on the Call to the Public segment of the meeting. Mr. Jameson can you give us the direction as to what our policy should be and perhaps Mr. Hayden we could use some other public bodies practices to ensure we are within the law. Then, we will make a public policy decision at that time.

Chairman Arnett stated he would also like to welcome newly appointed members.

The meeting was adjourned 6:10 p.m.